

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

CARPENTERS DISTRICT COUNCIL )  
OF GREATER ST. LOUIS AND VICINITY, )  
et al., )  
 )  
Plaintiffs, )  
 )  
vs. )  
 )  
J.A. WACHTER BUILDERS, INC., )  
 )  
Defendant. )

Case No. 4:09CV1429 RWS

**MEMORANDUM AND ORDER**

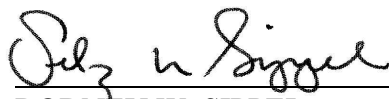
This matter is before me on plaintiffs' for relief from judgment. On January 14, 2010, I entered default judgment in favor of plaintiffs. Plaintiffs now move for relief from that Judgment under Fed. R. Civ. P. 60(b), arguing that I should amend the Judgment to reflect that Wachter Constructors, LLC is also liable to plaintiffs for the full amount of the Judgment as the alter ego of the defendant. I previously denied this motion without prejudice for failure to provide a memorandum in support of the motion setting forth the factual basis or legal authority for granting the requested relief. Plaintiffs have now filed a memorandum and affidavits and rely on a case decided by the Honorable Henry E. Autrey, Greater St. Louis Construction Laborers Welfare Fund, et al. v. J.A. Wachter Builders, Inc., et al., Case Number 4:10 CV 65 HEA, as evidence that Wachter Constructors, LLC was found to be the alter ego of defendant. I have reviewed the materials filed by plaintiffs but still conclude that plaintiffs have not demonstrated that they are entitled to relief under Fed. R. Civ. P. 60. First, plaintiffs point to no legal authority that motions for relief from judgment under Rule 60(b) are appropriately used for this purpose. Second, the Judge Autrey case is distinguishable from this case in one very important respect – in that case, Wachter Constructors, LLC was named as a defendant and failed to appear or defend, causing Judge Autrey to enter a

default against it. In this case, Wachter Constructors, LLC is not a defendant, and there is no evidence in the file that it has even been served with a copy of plaintiffs' motion. Moreover, that default judgment does not entitle plaintiffs to relief in this case. At most, accepting the allegations of that complaint as true it demonstrates that Wachter Constructors, LLC was the alter ego of defendant with respect to the plaintiffs and contributions at issue in that case. Plaintiffs in that case pled that "Defendant Wachter Constructors, LLC is a front used to evade defendant J.A. Wachter Builders, Inc.'s responsibilities to contribute to the plaintiff funds." This case involves different plaintiffs and different contributions. There are no similar default admissions in this case, and the affidavits submitted by plaintiffs do not demonstrate the requisite improper purpose required to pierce the corporate veil.

Accordingly,

**IT IS HEREBY ORDERED** that plaintiffs' motion for relief from judgment [#20] is denied without prejudice.

Dated this 27th day of January, 2011.

A handwritten signature in cursive script, appearing to read "Rodney W. Sippe", written over a horizontal line.

RODNEY W. SIPPEL  
UNITED STATES DISTRICT JUDGE